

**TOWN OF ROCKY HILL
PLANNING AND ZONING COMMISSION
MEETING OF SEPTEMBER 17, 2014**

CALL TO ORDER

Chairman Desai called the Wednesday, September 17, 2014, meeting to order at 6:34 p.m. in the Town Council Room, Rocky Hill Town Hall, 761 Old Main Street, Rocky Hill, Connecticut.

Present: Dimple Desai, Chairman
Kevin Clements, Vice Chairman
Victor Zarrilli, Secretary
Giuseppe Aglieco

Alternates: William O'Sullivan
Arun Saluja

Also: Kimberley A. Ricci, Dir. Planning & Building/Asst. ZEO
Eileen A. Knapp, Recording Secretary

Chairman Desai welcomed the newest member of the Commission, Arun Saluja. Secretary read the public hearing notice.

1. PUBLIC HEARINGS

A. Continued from August 20th for the review of updated traffic report, peer review report, receive comments on the traffic report and comments related thereto, Proposed settlement of Elm Street Ext, Rocky Hill, LLC v. Rocky Hill Planning and Zoning Commission, zoning appeals with Elm Street Ext Rocky Hill LLC, proposing to resolve and settle its pending zoning appeal by revising its plans originally submitted in August 2013 and denied November 6, 2013 submitted as part of its applications for a Special Permit and Site Plan approval for a medical office building with associated site improvements with frontage on Elm Street Extension, Rocky Hill, CT and designated as Assessor's ID # 12-157;

Attorney Robert DeCrescenzo addressed the Commission representing the Applicant. He introduced Mr. Hesketh, the Traffic Engineer to go over the revised traffic study.

Mr. Scott Hesketh, Traffic Engineer with F.A. Hesketh & Associates addressed the Commission to go over the Traffic Impact Reports. Due to the reduction in the size of the building, there is also a reduction in the amount of traffic being generated. Traffic volumes used came from the DOT count from 2009 and the CRCOG Route 3 Corridor Study, which projected traffic volumes through 2030. The CRCOG study included the development of all vacant parcels along the Route 3 corridor. The results of their analysis indicated that with this facility in place,

the impacts on the overall levels of service at the intersection of Elm Street Ext. and Route 3 are very minimal; on average about 2 seconds per vehicles at peak times. He believes the existing roadway network and the future roadway network can accommodate this proposed development without a significant impact to traffic operations in the area.

Mr. Hesketh said their report was reviewed by the Town's traffic consultant, Milone and MacBroom and in that report they concurred with Mr. Hesketh's traffic review and indicated that there was a small impact on the eastbound traffic on Route 3 that could possibly be mitigated by traffic signal timing changes. Mr. Hesketh said his analysis looks at the overall traffic impacts as a whole, although there are some movements that get better and some that get worse. The Milone and MacBroom report mentioned a difference in the site lines that were reported leaving the driveway. They suggested that a distance of 280' should be provided. Mr. Hesketh said they submitted a plan showing that they do have 280' of site distance leaving the site drive looking to the right.

At the last meeting one of the Commissioners has a question about the peak hours and volumes used for the Traffic Analysis. Mr. Hesketh said the peak hours used for the report were the morning peak and the afternoon peak. The morning peak is defined by the Institute of Traffic Engineers as one 60 minute period between the hours of 7-9 a.m. and the afternoon peak hour is typically the 60 minute period between 3-6 p.m. Mr. Hesketh said since the last meeting they did a traffic count at an existing medical office building in Bloomfield and found that there are traffic volumes between the hours of 9a.m and 3 p.m., which are higher than the morning and afternoon peaks. Although that may be the peak hour of the generator, the background traffic on surrounding roadways is substantially less than they are during the morning and afternoon peaks so they typically don't use the generator's peak hour for their report.

Public

Mrs. Ricci read the letter received from Milone and MacBroom this morning. He said the key issues with this application are the site lines looking right from the proposed driveway and asked the applicant provide site profiles for this location. Another concern is whether or not the site degradation and level of service for the eastbound traffic on Elm Street Extension could be mitigated. Atty. DeCrescenzo noted that they did provide the site line distance analysis prior to the August meeting.

Mr. Sal Amenta of 15 Chatham Drive addressed the Commission and said all the reports presented this evening only deal with numbers and not people. The corner of Elm Street Ext. and Cromwell has a sign indicating no turn on red and this is the only intersection along Route 3 that has that type of sign. This intersection has a blind corner and he is concerned not about numbers, but about safety. He is not opposed to the development, but does not think the road can handle the additional traffic. Whether or not this application is approved, the intersection of Route 3 and Elm Street Extension needs to be improved.

Ms. Judy Divocatis of 53 Dogwood Court said the residents of Ridge at Elm love their homes and they love their view of Glastonbury. This is a very steep street leading to a residential area and they would like to keep the area as beautiful as when they purchased their homes.

Mr. Tom Cardini of 10 Dogwood Court addressed the Commission to discuss traffic safety. The traffic reports have 3 different site lines listed looking west as you exit the site. There is no posted speed limit on this road and there is no default speed limit either. Mr. Cardini said he has done his own measurements on the road and found that four driveways spilling onto Elm Street Ext. are within 150' of each other. This development will add another 500 cars to this area. The Zoning Regulations addresses suitable transportation conditions and says, "The design location, specific details of the proposed use or activity shall not adversely affect safety in the streets nor congestion in the area, nor interfere with the pattern or vehicular circulation as to create or augment unsafe traffic conditions." This development will certainly affect traffic safety in the area and increase the number of accidents at the intersection of Route 3 and Elm Street Ext. Even though there is a "no turn on red" sign, many cars do not pay attention to it.

Mr. Bill MacDonald of 32 Westridge Drive addressed the Commission in support of the application. This site has been approved for commercial development and something will be built there. He supports the developer and feels this development will be an asset to the Town and encourage the Commission to vote in favor of this project.

Ms. Gloria McLane of 16 Dogwood Court said development does bring traffic. There was an article in the Hartford Courant last week titled, "Town Wants Advice for Plan". Rocky Hill is asking for Resident input at a meeting next Tuesday concerning revising the Town's Plan for Conservation and Development. Ms. McLane said the public is here now eager to give the Commission their input. The population at Ridge at Elm is the fastest growing population in Town and they are extremely interested in conservation. An intelligent Plan would not allow development on roads that clearly cannot handle it. She wondered if there was any consideration for entering and exiting this development by way of Route 160 instead of Elm Street Ext. Also, there are a number of already vacant commercial spaces in Town that may be better suited for this development.

Ms. Krista Mariner of 58 Farms Village Road addressed the Commission. She submitted 3 separate correspondences regarding her concerns. She was surprised that there were no representatives from Milone and MacBroom present this evening. She wonders how the site lines were determined since there is no speed limit posted along Elm Street Ext. nor does the Town have a default Ordinance. She would like current counts from a Rocky Hill medical office building, not one from Bloomfield. Counts provided in the CRCOG study are from 2009 and are 5 years old. She feels the denial of this application in 2013 was the correct decision and totally justified within the context of the Rocky Hill Zoning Regulations. Ms. Mariner noted that a Town Council Member, testifying on behalf of a Plaintiff in pending litigation is a clear conflict of interest and a form of intimidation.

Mr. Brad Malicki of Ridgewood Drive addressed the Commission in support of the application. He feels this is a good plan and meets all of the Town's Zoning Regulations and is the best use for the property with no negative impacts to the surrounding area. Mr. Malicki said he has known the Developer, Mr. Cavalieri for many years and he is well entrenched in the community and is a reputable businessman. Mr. Malicki asked that the application be approved.

Mr. Rich Pawlich-Pagliccio of 8 Washington Street addressed the Commission as a past member of the Town Council, a past Chair of the Public Safety Committee and Retired Deputy Chief of the Rocky Hill Fire Department. He thanked the Commission for their service to the Town. He said in all his experience, he has never seen two Traffic Engineers disagree with each other and they can make mistakes. There are a lot of sites along Route 3 that are being developed and the CRCOG study used for the Traffic Study is 5 years old. He has serious concerns about safety in this area and as elected officials it is this Commission's responsibility to make sure they are looking out for public safety.

Mr. Tony Cavaliero, of 18 Stone Hill addressed the Commission as the Owner of the property. He is not happy to be in this position and he thought he had a good plan when he originally discussed it with Town Staff. He has owned the site for 10 years and he feels a medical office building is the best use for that site. This is a commercially zoned property and he will build something on the site. He travels this route every single day and he doesn't feel there are any traffic issues in this location and this is backed up by the Traffic Study done by their Engineer and reviewed by a third party. He noted that the Ridge at Elm was originally zoned Commercial until the developer purchased it and converted it to residential property.

Ms. Lisa Stefano addressed the Commission representing her in-laws, who are residents of the Ridge at Elm. She said there are about ½ million dollars worth of tax payers living up there and their opinion should matter. The Town Engineer stated that he hasn't seen the updated report on the site lines and both he and Milone and MacBroom should be able to review this report and give their opinion. She said this is a very steep and dangerous road, especially in the winter and it is a safety issue for these residents.

Ms. Mariner said the Ridge at Elm is zoned r-residential, not commercial. She said this matter presents a safety issue for all of Rocky Hill.

Commissioner Comments/Questions

Commissioner Aglieco asked if there is any posted speed limit for Elm Street Extension. Mrs. Ricci said she does not know if there is a posted speed limit on that street.

Commissioner Zarrilli asked for an explanation of "levels of service" for streets. Mr. Hesketh said the levels of service are based on letter grades from A-F. Level A is minimal delays with free-flowing traffic with delays of less than 10 seconds on average. Level B is still free flowing traffic with delays of less than 25 seconds per vehicles. Level C means a little more congestion with delays up to about 35 seconds of delay. Levels D, E. and F increase from that, with more delays per vehicle. Commissioner Zarrilli asked why they haven't suggested changing the timing of the traffic light if safety is such a concern. Mr. Hesketh said some people may be concerned but he is not concerned about the level of service and capacity at that intersection. In fact, his report indicates that they add less than 2 seconds of delay per vehicle, which is a very minor increase in delay. Commissioner Zarrilli asked for clarification about the number of parking spaces being provided and the reason for reserved spaces. Mr. Bongiovanni said there is a provision in the Regulations that allows for deferred parking. Staff felt a reduction in parking spaces would be adequate but the additional spaces would be available if needed. Atty.

DeCrescenzo said by having these spaces in reserve, it reduced the impervious coverage on the site, which is desirable. Mr. Bongiovanni said 115 spaces will be actually built, with an additional 36 in reserve. Commissioner Zarrilli asked how the Applicant feels they meet the Special Permit requirements for "Suitable Location for Use". Mr. Bongiovanni said the site is right off an arterial road with like uses in the area and the site is zoned for a commercial use. The application meets or exceeds all the bulk table requirements. Atty. DeCrescenzo said they also feel this is a suitable transition use leading up to the Ridge at Elm and is a lower impact use than other uses that are allowed as of right. Commissioner Zarrilli asked how this application meets requirements for suitable transportation conditions. Atty. DeCrescenzo pointed out that they have submitted three separate Traffic Studies, the initial Hesketh report, the revised Hesketh report and the Milone and MacBroom report all stating that *there is no significant traffic impact overall at the intersection of Route 3 and Route 160 as a result of this proposal.*

Vice Chairman Clements asked why they chose a Saturday to do their traffic counts when the weekdays have twice the volume. Mr. Hesketh pointed out that they did analyze the weekday morning peak hour, the weekday afternoon peak hour in the original traffic study. The reason they did an additional study on Saturday is because of concerns from the public.

Commissioner O'Sullivan said why the Saturday peak is 98 vehicles per hour and the weekday peak is 96 cars per hour. Mr. Hesketh said he is using the information from the Institute of Transportation Engineers, which he as a Traffic Engineer is required to do. He believes the highest levels of traffic occur during the weekday a.m. and p.m. peaks. Atty. DeCrescenzo pointed out that the consultant hired to conduct the peer review states, "there were no issues in the collection of applicable traffic counts and trip generation records in the capacity analysis or in the presentation of their findings.

Chairman Desai was concerned about the lack of a posted speed limit on Elm Street Ext. Mr. Hesketh said the Town's own Traffic Consultant suggested they provide the site distance for a 25 mph speed limit.

Commissioner Zarrilli asked what action the Commission can take, as this is a Court Appointed Hearing. Mrs. Ricci said the Commission should act on this as they would any other application that comes before them, although the time frames do not apply. Any decision must be reported back to the Judge. Atty. DeCrescenzo said the Commission can accept the settlement as proposed, approve with conditions, make no decision at all or deny the settlement agreement. If the settlement agreement is denied or no decision is made, the original appeal will go back to the court to decide if the original denial was valid under statutes.

Mr. Tom Cardini said Elm Street Ext. is the only way for him to get to his home or leave his home. The development's driveway is his driveway too. He bought his house when it was one of the newer age-restricted communities and there would be other people just like him looking out for each other. The owner of the site in question bought his property a year after Mr. Cardini moved in and he is entitled to develop the site. Mr. Cardini said their only concern is for safety due to the additional traffic being added to the roadway.

Atty. DeCrescenzo went over the changes that they are proposing as part of this Settlement Agreement. They are reducing the size of the building by 1,530 sq. ft. They added a stop sign and “local traffic only, no right turn” sign to the exit of the site. The front landscape area is being increased, eliminating the need for a waiver for landscaping. The number of built parking spaces has been reduced. Finally, the landscaping plan was revised to further screen this development from the Ridge at Elm. This use is allowed in the Commercial Zone and the only reason for the special permit is due to the size of the building. The impact that everyone is concerned about with this application is the impact of the additional traffic. They hired a Traffic Engineer and did a traffic impact report and result of that study show *no significant impacts to surrounding roadways*. The Town’s own consultants agreed with the methodology used for the Traffic Study and they agree with the conclusion that there is no significant traffic impact at the intersection of Route 3 and 160. Atty. DeCrescenzo said they believe this plan is a better plan than what was originally proposed and is a less intense development than what is allowed on this site.

A MOTION was made by Vice Chairman Clements to close the public hearing for the Proposed settlement of Elm Street Ext, Rocky Hill, LLC v. Rocky Hill Planning and Zoning Commission, zoning appeals with Elm Street Ext Rocky Hill LLC, proposing to resolve and settle its pending zoning appeal by revising its plans originally submitted in August 2013 and denied November 6, 2013 submitted as part of its applications for a Special Permit and Site Plan approval for a medical office building with associated site improvements with frontage on Elm Street Extension, Rocky Hill, CT and designated as Assessor’s ID # 12-157. Seconded by Commissioner Zarrilli. All were in favor, MOTION CARRIED UNANIMOUSLY.

B. Continued from August 20th for the receipt of stamped plans and the number of school aged children on site, Special Permit application for Stepney Place, LLC, proposing to convert 27, 365 square feet of office space to 36 residential apartments, under Section 4.1.2 Special Permit Section O, and Site Plan Use exceeding 10,000 square feet, for property located at 1800 Silas Deane Highway, also known as Stepney Place, in a C-Commercial Zoning District, ID#04-412;

A letter of withdrawal was received from this applicant.

Attorney Peter Alter from Alter and Pearson, LLC. in Glastonbury addressed the Commission. He said there was a question of whether or not the proper notice requirements were fulfilled and on that basis they are withdrawing the application.

A MOTION was made by Commissioner Zarrilli to close the public hearing for Special Permit application for Stepney Place, LLC, proposing to convert 27, 365 square feet of office space to 36 residential apartments, under Section 4.1.2 Special Permit Section O, and Site Plan Use exceeding 10,000 square feet, for property located at 1800 Silas Deane Highway, also known as Stepney Place, in a C-Commercial Zoning District, ID#04-412. Seconded by Vice Chairman Clements. All were in favor, MOTION CARRIED UNANIMOUSLY.

C. Continued from August 20th for additional information a plan depicting existing legal approved site versus what is being proposed, and abutter notifications, Special Permit/Site Plan Application, Jenna Cavalieri, proposing to expand a seasonal restaurant use for annual use with the addition of eight tables near the Connecticut River, placement of two dumpsters and waste oil container, and the allowance for live entertainment, for property located at 277 Meadow Road, in a WF- Waterfront and Floodplain Zoning Districts, ID# 10-321;

Mrs. Ricci noted that since the last meeting they did discover that there was an error in the notification to abutters and the previous public hearing was null and void.

A MOTION was made by Commissioner Zarrilli to close the public hearing for Special Permit/Site Plan Application, Jenna Cavalieri, proposing to expand a seasonal restaurant use for annual use with the addition of eight tables near the Connecticut River, placement of two dumpsters and waste oil container, and the allowance for live entertainment, for property located at 277 Meadow Road, in a WF- Waterfront and Floodplain Zoning Districts, ID# 10-321. Seconded by Vice Chairman Clements. All were in favor, MOTION CARRIED UNANIMOUSLY.

A MOTION was made by Commissioner Zarrilli for a 5-minute recess. Seconded by Commissioner O'Sullivan. All were in favor, MOTION CARRIED UNANIMOUSLY.

A MOTION was made by Vice Chairman Clements to come out of recess. Seconded by Commissioner Zarrilli. All were in favor, MOTION CARRIED UNANIMOUSLY.

2. CALL TO ORDER

Chairman Desai called the regular meeting to order.

3. PUBLIC

No public comment.

4. ADOPT THE AGENDA

A MOTION was made by Commissioner Zarrilli to adopt the Agenda. Seconded by Vice Chairman Clements. All were in favor, MOTION CARRIED UNANIMOUSLY.

5. CONSENT AGENDA

A. Minutes and Working Notes from August 20, 2014;

B. Minutes and Working Notes from August 26, 2014;

C. Extension Request of 90 day for filing of mylar plans, Oleski Farm re-subdivision off of 395 France Street

A MOTION was made by Commissioner Zarrilli to adopt the Consent Agenda. Seconded by Vice Chairman Clements. All were in favor, MOTION CARRIED UNANIMOUSLY. The following items were approved on the Consent Agenda:

A. Minutes and Working Notes from August 20, 2014;

B. Minutes and Working Notes from August 26, 2014;

C. Extension Request of 90 day for filing of mylar plans, Oleski Farm re-subdivision off of 395 France Street

6. AGENDA ITEMS

A. Remand of zoning appeal, re: Great Meadows Conservation Trust, Inc. v. Planning and Zoning Commission of the Town of Rocky Hill. Clarification of applicability of section 5.2.5.A of the Rocky Hill zoning regulations to the subject Meadow Properties Project

Mrs. Ricci said all Commissioners received a copy of the applicable zoning regulation that is being referred to. The Town Attorney has advised her that because this is a court matter, no new material not already in the record can be introduced at this meeting.

Attorney Brian Smith, Attorney with Robinson and Cole in Hartford addressed the Commission representing Great Meadows Conservation Trust, the Plaintiff. Great Meadows is an abutting land owner to the Rocky Hill landfill, owned by Meadow Properties. In 2010, the Commission approved a filling application to allow the applicant to fix the road on the property to allow the Applicant to do other work on the site. The Great Meadows Conservation Trust appealed that decision, stipulating that no further activities could be taken on the landfill site until the Courts ruled on this case. When the case came up, one of the issues was whether or not the Commission at the time considered Section 5.2.5.A or ruled in any way on its applicability. GMCT contends that this Section of the Regulations is applicable because a portion of the property that is being developed is in the flood plain overlay district. The Section is clear in stating, "There shall be no filling of land, soil excavation or dumping of any material in any flood plain overlay district". Atty. Smith said the Judge in this case asked them to come back to have the Commission rule on the effect of this Section to this application. Meadow Properties is contending that there is no filling being done so there are no impacts. Atty. Smith said the original application was a "fill application" to allow the road to be constructed. If the Applicant thinks they have a hardship because of this restriction, they should go before the Zoning Board of Appeals. He does have a letter he would like to submit to the Commission, but he will have to get the Court's permission to do that as it was mentioned that no new material can be submitted this evening. Atty. Smith submitted a handout summarizing his arguments. They are asking the Commission to either revoke the fill permit previously issued because it violates Section 5.2.5.a, order Meadow Properties to remove the portion of the road that has been constructed in the flood

plain overlay zone, or clarify for the Court that filling is not permitted in the flood plain overlay zone.

Attorney Louis George of the firm Hassett and George, P.C. addressed the Commission representing the owner of the property. The reason they are here is to allow the Judge to obtain additional information and clarification as to whether the Regulation 5.2.5.a was applicable *at the time*. They need to decide not only if it was applicable, but also whether it was raised properly and did the Commission take the appropriate view of it. Atty. George said their position is that the Regulation and the argument being made by GMCT was never raised 4 years ago. If it was never raised, then you cannot then raise that issue at the appeal. He said if you look at the record, there is no mention of this specific Section of the Regulations. There is a mention of CGS 22a-349b.14, which states, “you are allowed as of right to conduct a driveway or road repair and maintenance that does not raise existing road grade more than 3”.” Atty. George said the Zoning Commission did not make an error in their original approval and the plan was in fact approved by the Engineering Department, before coming before the Commission. They did not change the grade, so they weren’t changing the flood capacity. The road already existed and the Applicant was just trying to maintain it by adding the millings. Atty. George noted that every year the Town does the exact same thing to its own roads that are within the flood plain.

Atty. Smith objected to the comment about the Town using millings on their own roads in the flood plain zone, as he did not believe this was already in the Court records. He said he doesn’t believe the Commission considered Section 5.2.5.a at all when hearing the original application. It was raised, in passing by a member of the Trust, but not focused on in detail by the Commission. The Regulations don’t say that you can fill only up to 3”; they say no filling in any flood plain overlay district.

Chairman Desai said they are being asked if this section of the Regulations applied to that fill application. Atty. George said he believes this Commission should look at the record, and what was before the Commission at that time, and clarify if this Section was applicable or not and if it was raised or not.

Commissioner O’Sullivan said he doesn’t understand why it would be this Commission’s responsibility to decide if the issue of this Section was raised if the record speaks for itself. He thinks the Attorneys should be the ones to scour the record and make their arguments and he asked to see the Remand Order. Commissioner O’Sullivan said according to the Remand Order, “The case is remanded solely for the Commission to clarify the applicability to the Meadows Property Project, Zoning Regulations Section 5.2.5.a, “there shall be no filling of land, fill excavation or dumping of material in any flood plain overlay district.” He said he doesn’t see how the remand order instructs the Commission to go through the original record to see if the issue was properly raised. Atty. George said he understands the confusion, but the Town Attorney was supposed to be here this evening to explain to the Commission what their charge was.

A MOTION was made by Commissioner Zarrilli to table the Remand of zoning appeal, re: Great Meadows Conservation Trust, Inc. v. Planning and Zoning Commission of the Town

of Rocky Hill. Clarification of applicability of section 5.2.5.A of the Rocky Hill zoning regulations to the subject Meadow Properties Project until the Town Attorney can be present at the meeting to offer guidance. Seconded by Vice Chairman Clements. All were in favor, MOTION CARRIED UNANIMOUSLY.

B. Continued from August 20th for the review of updated traffic report, peer review report, receive comments on the traffic report and comments related thereto, Proposed settlement of Elm Street Ext, Rocky Hill, LLC v. Rocky Hill Planning and Zoning Commission, zoning appeals with Elm Street Ext Rocky Hill LLC, proposing to resolve and settle its pending zoning appeal by revising its plans originally submitted in August 2013 and denied November 6, 2013 submitted as part of its applications for a Special Permit and Site Plan approval for a medical office building with associated site improvements with frontage on Elm Street Extension, Rocky Hill, CT and designated as Assessor's ID # 12-157;

A MOTION was made by Vice Chairman Clements to deny the Proposed settlement of Elm Street Ext, Rocky Hill, LLC v. Rocky Hill Planning and Zoning Commission, zoning appeals with Elm Street Ext Rocky Hill LLC, proposing to resolve and settle its pending zoning appeal by revising its plans originally submitted in August 2013 and denied November 6, 2013 submitted as part of its applications for a Special Permit and Site Plan approval for a medical office building with associated site improvements with frontage on Elm Street Extension, Rocky Hill, CT and designated as Assessor's ID # 12-157. Vice Chairman Clements cited the following Sections of the Regulations as reasons for his denial:

Section 8.3.7 a. Suitable location for use

Section 8.3.7 b The location and size of the site, the nature and intensity of the operations involved in or conducted in connection with the use, and the location of the site with respect to streets giving access to it are such that the use shall be in harmony with the appropriate and orderly development in the district in which it is located and shall promote the welfare of the Town.

Section 8.3.7 d.1. The design, location, and specific details of the proposed use or activity shall not adversely affect safety in the streets nor increase traffic congestion in the area nor interfere with the pattern of vehicular circulation in such a manner as to create or augment unsafe traffic conditions.

Section 8.3.7 d.3 Streets and other rights-of-way will be of such size, condition and capacity (in terms of width, grade, alignment and visibility) to adequately accommodate the traffic to be generated by the particular proposed use.

Section 8.2.4 d.1 Application for Site Plan Approval shall be considered and evaluated by the Commission under the following criteria.

- **c. the capability of adjacent and feeder streets to accommodate the projected traffic volumes,**
- **e. the overall effect on property values in the area,**
- **i. parking area or areas, where required, shall be of adequate size for the particular use and, where applicable, shall be suitably screened from adjoining residential uses, and the exit and entrance drives to and from public streets are laid out so as to prevent traffic hazards and nuisances,**

Seconded by Commissioner Zarrilli. Vice Chairman Clements was not happy with only a 5% reduction in the size of the building. He understands the property is commercially zoned, but that doesn't give the owner the right to build anything on the site. There are no other 3-story buildings on Cromwell Avenue except for the hotel down the road, so he doesn't think this medical building would be in harmony with surroundings. There were no significant changes from the original application. He said the Traffic Study should not be substituted for good judgment and prudent decision making. He has concerns about the amount of traffic this development will generate to an already dangerous area. Commissioner O'Sullivan agreed that this use is allowed in a commercial zone and that any development of this site would generate some traffic. But this is a Special Permit application and thus has different requirements. Commissioner O'Sullivan cited the following sections as areas of concern related to this application:

Section 8.3.7.c.2 –“The location nature and height of buildings walls and fences, planned activities and the nature and extent of landscaping on the site will be such that the use shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.” Commissioner O'Sullivan said he doesn't believe a 3-story, 29,000 square foot building perched on a hill is inappropriate for this location and may have a negative impact on nearby properties.

Section 8.3.7.d.1 – “The design, location, and specific details of the proposed use or activity shall not adversely affect safety in the streets nor increase traffic congestion in the area nor interfere with the pattern of vehicular circulation in such a manner as to create or augment unsafe traffic conditions.” Commissioner O'Sullivan said he believes they need to consider the existing traffic conditions if they are unsafe and decide if the proposal will augment those unsafe conditions. He doesn't feel they received adequate data with respect to the impact of Elm Street Extension itself. In his opinion and the opinion of residents, this is an odd street to locate a commercially zoned property with only one access drive.

Commissioner O'Sullivan said his questions about peak use and volumes on Saturdays were not adequately addressed. He feels the volume of traffic as being presented is excessive for this street. He believes the Commission acted properly when they originally denied the application and he is opposed to the proposed settlement.

Commissioner Zarrilli said he believes this is a “capacity issue” and the road can't handle the additional traffic from this development. He cited the following Sections of the Regulations:

Section **8.2.4.d.1.c** “The capability of adjacent and feeder streets to accommodate the projected traffic volumes”

Section **8.3.7.b** “The location and size of the site, the nature and intensity of the operations involved in or conducted in connection with the use, and the location of the site with respect to streets giving access to it are such that the use shall be in harmony with the appropriate and orderly development in the district...:

Section **8.3.7.d.3** - Streets and other rights-of-way will be of such size, condition and capacity (in terms of width, grade, alignment and visibility) to adequately accommodate the traffic to be generated by the particular proposed use.

Chairman Desai said they are being asked to look at the traffic issue and by voting against this application because of the existing traffic conditions are they saying this property cannot be developed. Mrs. Ricci said the settlement being proposed includes more than just the traffic. The applicant has reduced the size of the building, changed the landscaping and added signage. All of this must be taken into consideration. Chairman Desai said the existing traffic conditions are what may prohibit any development at this site. Other Commissioner’s disagreed saying the size of the development on this site may be limited due to the traffic conditions.

3 were in favor (Clements, Zarrilli, O’Sullivan), 2 opposed (Desai, Aglieco), MOTION CARRIED.

A MOTION was made by Commissioner Zarrilli for a 5-minute recess. Seconded by Vice Chairman Clements. All were in favor, MOTION CARRIED UNANIMOUSLY.

A MOTION was made by Commissioner Zarrilli to come out of recess. Seconded by Vice Chairman Clements. All were in favor, MOTION CARRIED UNANIMOUSLY.

C. Continued from August 20th for the receipt of stamped plans and the number of school aged children on site, Special Permit application for Stepney Place, LLC, proposing to convert 27, 365 square feet of office space to 36 residential apartments, under Section 4.1.2 Special Permit Section O, and Site Plan Use exceeding 10,000 square feet, for property located at 1800 Silas Deane Highway, also known as Stepney Place, in a C-Commercial Zoning District, ID#04-412;

Application for this Special Permit was withdrawn.

D. Continued from August 20th for additional information a plan depicting existing legal approved site versus what is being proposed, and abutter notifications, Special Permit/Site Plan Application, Jenna Cavalieri, proposing to expand a seasonal restaurant use for annual use with the addition of eight tables near the Connecticut River, placement of two dumpsters and waste oil container, and the allowance for live entertainment,

for property located at 277 Meadow Road, in a WF- Waterfront and Floodplain Zoning Districts, ID# 10-321;

A MOTION was made by Commissioner Zarrilli to deny without prejudice the Special Permit/Site Plan Application, Jenna Cavalieri, proposing to expand a seasonal restaurant use for annual use with the addition of eight tables near the Connecticut River, placement of two dumpsters and waste oil container, and the allowance for live entertainment, for property located at 277 Meadow Road, in a WF- Waterfront and Floodplain Zoning Districts, ID# 10-321. Seconded by Commissioner O'Sullivan. All were in favor, MOTION CARRIED UNANIMOUSLY.

7. ANY OTHER BUSINESS

A. Status Update - Public Workshop Meeting, Plan of Conservation and Development

There will be a Public Workshop on Tuesday, September 23rd from 7:00-9:00 p.m. in the Griswold Middle School cafeteria.

8. COMMUNICATIONS

None.

9. APPROVE BILLS

A. Planimetrics Invoice #1024, dated 8-21-2014 for Partial Scoping, Plan Review/Refinement

A MOTION was made by Commissioner Zarrilli to approve Planimetrics Invoice #1024, dated 8-21-2014 for Partial Scoping, Plan Review/Refinement. Seconded by Commissioner O'Sullivan. All were in favor, MOTION CARRIED UNANIMOUSLY.

10. ADJOURN

A MOTION was made by Commissioner Zarrilli to adjourn. Seconded by Vice Chairman Clements. All were in favor, MOTION CARRIED UNANIMOUSLY.

Meeting adjourned at 9:50 p.m.

Respectfully submitted,

Eileen A. Knapp
Recording Secretary